

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2240 of 2019

- Amit Kumar Kurre S/o Shiv Lal Kurre Aged About 18 Years R/o Farhada, P. S. Jarhagaon, Tahsil And District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

AND

MCRC No. 3391 of 2019

- Smt. Vijaykeen @ Laxmin Bai W/o Itwari Kurre Aged About 45 Years R/o Farhada, Police Station Jarhagaon, Tahsil And District Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Takhatapur, District Bilaspur Chhattisgarh.

---- Respondent

AND

MCRC No. 3488 of 2019

1. Govind Nut S/o Shatruhan Nut Aged About 30 Years R/o Village Farhada, P. S. Jarhagaon, Tahsil And District Mungeli Chhattisgarh
2. Gorelal Sahu S/o Deviprasad Sahu Aged About 45 Years R/o Village Farhada, P. S. Jarhagaon, Tahsil And District Mungeli Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant (in MCRC 2240/2019): Mr. Rajeev Kumar Dubey, Advocate
For Applicant (in MCRC 3391/2019): Mr. Rajeev Kumar Dubey, Advocate
For Applicants (in MCRC 3488/2019): Mr. Rajesh Jain, Advocate
For Respondent/State : Mr. Amit Singh, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

24/06/2019

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 60/2019, registered at Police Station- Takhatpur, Distt. Bilaspur (C.G.) for the offence punishable under Sections 363, 376 & 34 of the IPC and Section 4 & 6 of the POCSO Act.
3. In this case there are total 5 accused persons. At the relevant time, age of the prosecutrix is about 15 years 8 months. On 08-03-2019, prosecutrix herself made a report in police station stating therein that on 02.01.2019, co-accused Kuleshwar Kurre made forcible sexual intercourse with her. It is further alleged that on 09.01.2019 also, he came along with applicant Amit Kumar Kurre and both of them taken the prosecutrix to village Farhada. On 10.01.2019, prosecutrix has been recovered from the house

of mother of co-accused Kuleshwar Kurre. Allegation against applicant Amit Kumar Kurre is that at the relevant time he assisted the co-accused Kuleshwar. Allegation against Applicant Vijaykeen @ Laxmeen Bai is that she sheltered the co-accused Kuleshwar and prosecutrix in her house. Allegation against applicant Govind Nut and Gorelal Sahu is that they have suggested the co-accused to taken her in the house of Village Kotwarin. On the basis of said background, offence has been registered. Applicant Amit Kurre is in custody since 12.03.2019 and applicants Smt. Vijaykeen @ Laxmeen Bai, Govind Nut and Gorelal Sahu are in custody since 04.05.2019.

4. Counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. He further submits that In this case, the main accused is Kuleshwar Kurre. Applicant Amit Kurre is in custody since 12.03.2019 and applicants Smt. Vijaykeen @ Laxmeen Bai, Govind Nut and Gorelal Sahu are in custody since 04.05.2019, charge-sheet has been filed and trial is likely to take some time to conclude, therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the applicants are in custody

since 12.03.2019 & 04.05.2019, charge-sheet has already been filed and trial is likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge